

Date

Mr. Timothy A. Hemphill
Chief Financial Officer/Chief Operations Officer
935 Gravier Street, Suite 2020
New Orleans, Louisiana 70112

Re: Ethics Board Docket No. 2015-1258

Dear Mr. Hemphill:

The Louisiana Board of Ethics, at its February 19, 2016 meeting, considered your request for an advisory opinion as to whether the members of the Board of Directors of New Orleans Business Alliance are required to file personal financial disclosure statements pursuant to R.S. 42:1124.2.1. You stated that the New Orleans Business Alliance is a private 501(c)(3) corporation that was incorporated by a group of business and community leaders to lead the economic development of Orleans Parish. The Business Alliance does receive some funding from the City of New Orleans through a Cooperative Endeavor Agreement entered into by the Business Alliance and the City.

La. R.S. 42:1124.2.1 requires financial disclosure for each member and designee of a board or commission which has the authority to expend, disburse or invest \$10,000 or more of funds in a fiscal year on or before May 15th of each year during which the person holds office and the year following termination of the holding of such office. **La. R.S. 42:1124.2.1(D)(1)(a)** defines a board or commission as (i) each board, commission, and like entity created by law or executive order that is made a part of the executive branch of state government by the provisions of Title 36 of the Louisiana Revised Statutes of 1950, or that is placed in an executive branch department or in the office of the governor or lieutenant governor by law or executive order, or that exercises any authority or performs any function of the executive branch of state government; (ii) each board, commission, and like entity created by the constitution, by law, by a political subdivision, except as provided in Subparagraph (b) of this Paragraph, or jointly by two or more political subdivisions as a governing authority of a political subdivision of the state or of a local government. **La. R.S. 42:1124.2.1D(1)(b)** states that a “board or commission” shall not mean (i) the governing authority of a parish, (ii) any board or commission or like entity that governs a political subdivision created by a single parish governing authority of a parish with a population of two hundred thousand or less, or any subdistrict of such a political subdivision, (iii) the governing authority of a municipality, (iv) any board or commission or like entity that governs a political subdivision created by a single municipal governing authority of a municipality with a population of twenty-five thousand or less, or any subdistrict of such a political subdivision, or (v) **a board of directors of a private nonprofit corporation that is not specifically created by law.**

Date
Mr. Timothy A. Hemphill
Ethics Board Docket No. 2015-1258
Page 2

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics does not require the members of the Board of Directors of the New Orleans Business Alliance to file annual personal financial disclosure statements pursuant to La. R.S. 42:1124.2.1 as the New Orleans Business Alliance does not meet the definition of “board/commission” as defined in La. R.S. 42:1124.2.1.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Barker
For the Board